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SENSITIVE
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SUBJECT: MOJ REPORTS SOME PROGRESS ON LEGAL REFORMS; STILL
NO LAW REGULATING CHILD MARRIAGE

REF: A. 09 RIYADH 1086
[B.](#) 09 RIYADH 1512
[C.](#) 09 RIYADH 361
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Classified By: Ambassador James B. Smith for reasons 1.4 (b and d)

[11.](#) (S) SUMMARY: Ambassador Smith, engaged in a frank and wide-ranging discussion with Minister of Justice Dr. Mohammed Al-Issa on January 27. Dr. Al-Issa spoke candidly about the challenges he faced in implementing King Abdullah's reform agenda, citing several examples of recent progress such as the creation of an appellate court system; the drafting of new Laws of Judicial Procedure and Laws of Criminal Procedure, the development of a Code of Judicial Principles; and increased training opportunities for judges. Dr. Al-Issa clarified that open court sessions were the norm in Saudi Arabia and noted that the MOJ suffered from "baseless media coverage." He revealed that the MOJ is continuing to examine the issues of allowing women lawyers to practice in court, and still planned a "law prohibiting child marriage." Throughout, Dr. Al-Issa emphasized that the King's reforms would remain consistent with Saudi Arabia's culture and constitution, the Quran. No other MOJ officials or notetakers were present during the meeting, which may have been a reflection of Dr. Al-Issa's desire to speak as frankly as possible about the debate taking place in the Kingdom's legal community. End summary.

[12.](#) (U) Dr. Al-Issa first praised the Ambassador for the proactive role he had taken in strengthening the U.S. - Saudi relationship during the first several months on the job, commenting on the Ambassador's admirable record of USAF service. The Ambassador replied that he was pleased to be in the Kingdom during a very unique time, when the visions of President Obama and of King Abdullah so closely coincided, and remarked on the challenges Dr. Al-Issa was facing as he tried to implement a key part of the King's reform agenda.

AL-ISSA: PUBLIC OPINION SUPPORTS JUDICIAL REFORM

[13.](#) (C) According to Dr. Al-Issa, reforms currently underway include the creation of a three-tiered court system, consisting of courts of first instance, appellate courts, and a supreme court; the development of a code of judicial principles; and new judicial training programs. The

appellate courts had recently become operational, Dr. Al-Issa continued, and the SAG was about to pass both new Laws of Judicial Procedure before Shariah Courts and new Laws of Criminal Procedure -- efforts in which Dr. Al-Issa himself had been personally involved. The new laws were developed following numerous visits and scientific exchanges with "friendly nations," Al-Issa stressed, and encompassed best litigation practices as observed elsewhere. To resolve the issue of conflicting verdicts, a code of judicial principles was being developed to streamline decisions. Last but not least, the MOJ had begun to implement judicial exchange programs with other countries aimed at broadening Saudi judges' exposure to other legal systems.

¶4. (C) The Ambassador then asked about the impact of public opinion on judicial reform. In general, public opinion was supportive of the reform efforts, Dr. Al-Issa said, noting that King Abdullah asked the MOJ to conduct a "self survey" to measure public opinion on its projects. Following four months of scientific review and an MOJ-conducted survey, the MOJ concluded that the public was happy with the MOJ's activities. He noted that the "scientific review" process involved the scholarly exchange of judges. The judicial reform program was "very ambitious," Dr. Al-Issa concluded, as there was a set agenda and a timeline for the project.

INTERNATIONAL CONFERENCE PLANNED FOR 2010

¶5. (C) As part of its efforts to broaden Saudi judges' exposure the SAG was planning an international legal conference in May 2010. Dr. Al-Issa hoped that the planned amendments to both the Law of Procedure before Shariah Courts and the Law of Criminal Procedure would be completed in time

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for discussion at the conference. He also detailed the MOJ's current and future efforts to enroll judges and lawyers in educational conferences, workshops and seminars. "I have no doubt that the Saudi judicial system will become a beacon for all the judicial systems in the region," Dr. Al-Issa concluded.

COURTS AND THE MEDIA

¶6. (C) Ambassador Smith commented on recent press reports of open court sessions in Medina, and asked whether Dr. Al-Issa thought this practice should be emulated throughout the Kingdom. Dr. Al-Issa responded that open court sessions were the norm in the Kingdom -- the only exceptions were for cases involving family feuds, or cases involving litigants who had asked specifically for closed sessions. There might be individuals in the court system who denied people access, he acknowledged, but this was wrong. He had never heard of a case where a person wanted to attend a court session and was not able to, and if he did he would take action to rectify this illegal situation. "We suffer from a great deal of baseless media coverage," he said, citing the case of the student in Jubail who faced two months in prison and 90 lashes for assaulting a school principal and for bringing a mobile camera phone to school in violation of school policy, as a recent example of the media getting its facts wrong. The press had reported the student was a 12-year old minor, and the public had criticized the harshness of the verdict against a minor. In fact, the accused was 21 years old. He thought this case also illustrated the point that in certain cases closed court sessions were needed, and a case-by-case determination was necessary.

TIME FOR WOMEN LAWYERS?

¶ 7. (C) Ambassador Smith then raised the issue of women lawyers. According to press reports, the MOJ planned to issue restrictive licenses to female lawyers, giving them, for the first time, access to certain areas of the courts so that they could represent female clients. At present, women lawyers could not represent their clients in court. Dr. Al-Issa confirmed that the MOJ was currently reviewing the Law of Lawyers, which stipulates that a lawyer must be a man. The MOJ's study was based on the premise that the law does not prohibit women lawyers and that women have the right to practice law from both a Shariah and a legal perspective. He noted that, historically, female lawyers had existed, and the Legal Practice Code did not stipulate that lawyers must be male. The current situation rested on public opinion. However, social norms were changing and women lawyers were becoming a necessity due to the increasing number of cases involving women.

STILL NO LAW ON MINIMUM AGE FOR MARRIAGE

¶ 8. (C) Ambassador Smith asked about progress on setting a minimum legal age for marriage (reftel A), noting the recent case of the marriage of a 12-year old girl in Qassim to a man in his eighties. These cases were not in the press coincidentally, Dr. Al-Issa explained, they were part of a conscious effort to develop social opinion, encourage social change, and question certain ideologies and beliefs. Dr. Al-Issa noted that such cases were never made public in the past, but happened in secrecy, and officials were not aware of the extent of the problem. He said the facts of these cases were often "heart-wrenching" and involved extortion. Dr. Al-Issa said there will be a law prohibiting child marriage "in the near future" and insisted that the MOJ intends to be very firm on this issue.

CHALLENGES TO IMPLEMENTING CHANGE

¶ 9. (C) Dr. Al-Issa acknowledged the challenges the MOJ faced in implementing change, noting that they used a step-by-step, "phased approach," that incorporated "open dialogue and conversation." To accomplish change, they must take into account the opinions of both those favoring change, and those

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opposing it. He said the MOJ engaged the public on all levels -- at the scholarly level, in workshops and at conferences -- and planned to intensify its outreach efforts. He noted that the MOJ had won over many skeptics by concentrating on first changing public opinion. He emphasized that while the SAG was spearheading change, this change did not conflict with Saudi Arabia's values or its constitutional basis. Rather, these were gradual changes that were necessary given the changing nature of Saudi society.

TIP AND CLDP

¶ 10. (C) Ambassador Smith stressed the Embassy's readiness to assist the MOJ in its efforts underway to combat TIP, mentioning training and exchanges as possible areas of cooperation. Dr. Al-Issa thanked the Ambassador for his initiative and said he anticipated the future fruitful cooperation between the U.S. and the SAG, which would be strengthened by the on-going rapport between the parties. The Ambassador then mentioned the Commercial Law Development Program (CLDP) as another area for future cooperation. (NOTE: The CLDP had been the subject of discussion at a November 8 meeting between Charge and Dr. Al-Issa (reftel B), during which Dr. Al-Issa had expressed a desire to create a liaison office that would be responsible for communicating

and following up with the Embassy towards the implementation of the CLDP. END NOTE.) The Ambassador mentioned that the Ministry of Foreign Affairs had not responded to the Embassy's diplomatic note concerning an impending USCS delegation's visit to work on the CLDP. Dr. Al-Issa said that he was not aware of the visit. The matter had been delegated to Sheikh Ibrahim, the Chairman of the Board of Grievances, which was responsible for trade and commercial matters, including commercial courts, and operated independently of the MOJ. He said commercial programs were not currently under the umbrella of the MOJ, but that the MOJ would have oversight over these matters in the future.

KUDOS FOR US EXCHANGE AND VISITOR PROGRAMS

¶11. (C) Dr. Al-Issa expressed his gratitude to the Ambassador for his kind offers of cooperation and for past visits facilitated by the U.S. Embassy in Riyadh involving Intellectual Property Rights, Judicial exchange programs to the U.S. and visits from USCS officials. He stressed that he would welcome more workshops to benefit the Judiciary, such as the workshop conducted 18 months ago in which the Ministry of Commerce hosted members of the U.S. Judiciary. He evaluated this program as "highly useful" and as "elevating competencies on both sides."

COMMENT

¶12. (C) The scope of King Abdullah's planned judicial reforms is daunting and, based on Al-Issa's candid observations, the pace of implementation remains slow. The creation of the appellate courts is one tangible success whose effects are already being felt (septel). Many other important issues remain under MOJ study, such as the drafting and storing of legal decisions and the creation of judicial precedent; developing systems of continuing legal education for lawyers and judges; developing the field of legal journalism; and allowing women lawyers to practice in the courts. Our continued support for the workshops, visits, and judicial exchanges being proposed by Dr. Al-Issa would provide opportunities for communication and cross-fertilization as the MOJ grapples with these important issues. Dr. Al-Issa's turnaround on the CLDP was noteworthy, as he had expressed his desire for a liaison office to be responsible for following up with the Embassy on the CLDP program. This may reflect some difference of opinion between the Board of Grievances and MOJ over who has jurisdiction on the issue.

¶13. (C) COMMENT CONTINUED: Dr. Al-Issa met with the Ambassador alone, which was an unusual practice for this kind of meeting. This enabled Dr. Al-Issa to conduct an extraordinarily frank discussion with Ambassador Smith concerning the SAG's efforts to shape public opinion to

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advance its reform efforts. Press coverage of the meeting was also sparse. These two omissions in combination suggest that the MOJ did not want to draw attention to the meeting between Ambassador Smith and Dr. Al-Issa. Al-Issa appears to be treading carefully as he pushes the conservative legal community to implement the King's reform agenda and tries to build domestic support for what he views as necessary and culturally consistent reforms. END COMMENT.

SMITH